

**DENTISTRY EXAMINING BOARD  
MINUTES  
MAY 5, 2010**

**PRESENT:** Lori Barbeau, DDS (via telephone); Linda Bohacek, RDH; Blane Christman, DDS; John Grignon, DDS; Carol Howard (arrived 8:41 a.m.); Adriana Jaramillo, DDS; Sandra Linhart, RDH; Kirk Ritchie, DDS; Nancy Rublee, RDH; Tim Size; William Stempiski, DDS

**STAFF:** Gail Sumi, Bureau Director; Michele Miller Hayes, Legal Counsel; Karen Rude-Evans, Bureau Assistant, and other DRL staff

**GUESTS:** Mary K. Wolverton, Peterson, Johnson & Murray, SC; Jennifer Kreider, Debbie Schumacher and Peter Theo, WDHA; Jaime Portalatin, DDS; Warren LeMay, DHS; John Rowe; Pat Sullivan; Lori Pelke, Midwest Dental; Steven Stoll, DDS, Mark Paget and Mara Brooks, WDA; Megan Lube, CVTC; Harshit Aggarwal, Marquette; Dylan Thomas

**CALL TO ORDER**

Blane Christman, Vice Chair, called the meeting to order at 8:38 a.m. A quorum of ten (10) members was confirmed.

**PLEDGE OF ALLEGIANCE**

The Board members, most staff and guests rose and recited the Pledge of Allegiance.

**APPROVAL OF AGENDA**

**Amendments:**

- Additional informational items
- Scope of Practice and presentation from the National Oral Health Conference – Nancy Rublee

**MOTION:** Tim Size moved, seconded by Nancy Rublee, to approve the agenda as amended. Motion carried unanimously.

## **APPROVAL OF MINUTES OF MARCH 3, 2010**

### **Corrections:**

- On page 1, under PRESENT, insert DDS after William Stempski
- On page 1, under ANNOUNCEMENTS, add “public” before “Board”
- On page 4, under RECOMMENDATION #2..., insert “an” before “independent”
- On page 7, under WALTER M LUCAS, III, DDS, correct the name in the body of the motion

**MOTION:** John Grignon moved, seconded by Linda Bohacek, to approve the minutes of March 3, 2010 as corrected. Motion carried unanimously.

### **ANNOUNCEMENTS**

Blane Christman welcomed new legal counsel, Michele Miller Hayes. Ms. Miller Hayes gave a brief history of her background and looks forward to working with this Board.

### **PRESENTATION OF PROPOSED STIPULATIONS**

#### **LIANNE CULVER, DDS 07 DEN 075**

DOE Attorney Jim Polewski presented a Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Lianne Culver, DDS. This matter will be deliberated in closed session.

#### **ANTHONY SANCHEZ, DDS 06 DEN 014**

DOE Attorney Jim Polewski presented a Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Anthony Sanchez, DDS. This matter will be deliberated in closed session.

## **PRESENTATION OF ORAL ARGUMENTS**

**JACK ELDER, DDS**

**DHA CASE # DRL-009-0004/DOE CASE # 05 DEN 020 AND 05 DEN 159**

Attorney Jim Polewski, DRL, and Attorneys W. Patrick Sullivan and Adam J. Freed, for the respondent, appeared before the Board to present Oral Arguments on the Proposed Decision and Order in the disciplinary proceedings against Jack Elder, DDS. This matter will be deliberated in closed session.

**STEVEN J JAGEMANN, DDS**

**DHA CASE # DRL -09-0007/DOE CASE # 07 DEN 088**

Attorney Arthur Thexton, DRL, and Attorney Mary K. Wolverton, for the respondent, appeared before the Board to present Oral Arguments on the Proposed Decision to postpone the hearing in the disciplinary proceedings against Steven J. Jagemann, DDS. This matter will be deliberated in closed session.

## **ADMINISTRATIVE REPORT**

### **Introduction of new board staff and further DRL staff updates**

Michele Miller Hayes, Legal Counsel, was introduced earlier. Teresa Pickens is the staff person who processes all the dentistry and dental hygiene applications. Karen Rude-Evans is the Bureau Assistant assigned to the Board and formerly worked with the dentistry and dental hygiene applications. Blane Christman thanked all the staff for their efforts on behalf of the Board.

### **John Lease, Division Administrator, Board Services**

Mr. Lease was not available to meet with the Board.

### **DRL Late Adds Policy**

The DRL Late Adds Policy was reviewed.

### **Update on review of DRL Website pages relevant to the DEB**

Gail Sumi, Linda Bohacek and John Grignon reviewed the DRL website and made a few changes. Mara Brooks, WDA, has a few suggested changes and will send them to Gail Sumi. Linda Bohacek stated the information on the website needs to be consistent from page to page.

### **Board Member Recruitment**

Carol Howard's term ends July 1, 2010 and although we understood that she may be able to stay on through the July 7 meeting, this is not the case. Recruitment is underway for the public member vacancy and Board members are encouraged to submit names of possible candidates to Gail Sumi. Nancy Rublee said the Wisconsin Oral Health Coalition has submitted the name of a possible candidate.

### **Professional Assistance Program (PAP), formerly the Impaired Professionals Program (IPP) Update**

A workgroup has been working on recommendations for the Professional Assistance Program (PAP), formerly the Impaired Professionals Program (IPP). This document is not yet final and will be shared with the Board at a future meeting.

### **2011 Meeting Dates**

The Division is working on the 2011 meeting dates. Gail Sumi asked the Board if they wanted to continue meeting on the first Wednesday of the month. The members stated this schedule should remain for future meetings.

### **Future Board Meeting at Marquette Dental School in Milwaukee**

The Board decided to hold the September 1, 2010 meeting at Marquette Dental School. Gail Sumi will contact the school to make the final arrangements. DRL Communications Officer, David Carlson, will work with Marquette to publicize the event.

## **UPDATE ON THE DEFINITION OF DENTISTRY AND SPECIALTY LICENSING REPORT AND COMMITTEE RECOMMENDATIONS**

Lori Barbeau reported the Committee was unable to meet, but will be meeting before the next Board meeting.

Nancy Rublee reviewed her presentation at the National Oral Health Conference. The research project was a six-year longitudinal descriptive analysis that measured the quality of care and how it affects the quality of individuals' lives.

Steven Stoll, DDS, Vice President of the WDA, addressed the Board regarding the dental hygiene scope of practice. The WDA's position is the current education for dental hygienists is

not adequate to allow comprehensive, independent practice. Additional training is necessary and measurements need to be in place to evaluate and monitor public dental hygiene.

**DISCUSSION AND CONSIDERATION OF RULEMAKING RELATED TO THE 2009 VOTE TO ACCEPT ALL REGIONAL EXAMINATIONS (ADEX, CITA, CRDTS, NERB, SRTA, WREB) AND DISCUSSION AND CONSIDERATION OF OTHERWISE QUALIFIED APPLICANTS WHO DID NOT TAKE A REGIONAL EXAMINATION**

Gail Pizarro met with the Board to discuss the vote to accept all regional examinations for initial licensure for dentistry and dental hygiene. The Board needs to consider whether or not to extend the acceptance of all regional examinations to endorsement applicants. In addition, the Board should discuss guidelines for endorsement applicants who have taken either a state board exam or took one of the regional examinations prior to the time the Board accepted the exam.

The Board requested these topics be on a future agenda for consideration.

**CONSIDERATION AND ADOPTION OF SCOPE STATEMENT RELATED TO CLARIFICATION OF THE BOARD'S ADVERTISING RULE AND CREATING CONSISTENCY IN CARDIOPULMONARY RESUSCITATION (CPR) TRAINING REQUIREMENTS**

The Board reviewed the scope statement.

**MOTION:** Linda Bohacek moved, seconded by Nancy Rublee, to adopt the scope statement relating to the advertising rule and CPR training. Motion carried unanimously.

**STATUS UPDATE ON CONTINUING EDUCATION RULE DRAFTING**

This rule is in the drafting process and will need a fiscal estimate and a review by the Small Business Review Advisory Committee (SBRAC).

**STATUS UPDATE ON VARIOUS PROVISIONS RELATING TO LICENSING OF DENTISTS**

This rule is in the drafting process and will need a fiscal estimate and a review by the Small Business Review Advisory Committee (SBRAC).

**UPDATE ON THE REPORT TO THE WISCONSIN DEPARTMENT OF HEALTH  
SERVICES ON THE ORAL HEALTH EDUCATION STUDY**

Tim Size clarified the report was completed by a consultant hired by the State with an opportunity for the Dental Education Feasibility Study Advisory Committee to comment. This report is final; however Mr. Size stated that a number of the Committee members are concerned with gaps of information.

**UPDATE AND CONSIDERATION OF POSSIBLE FURTHER ACTION RELATED TO  
DENTIST AND DENTAL HYGIENISTS ADMINISTERING  
VACCINES INCLUDING H1N1**

Blane Christman will research other states rules regarding dentists and dental hygienists administering vaccines and will report back to the Board at a future meeting.

**CRDTS REPORT**

**Consideration of Attendance to the 2010 CRDTS Annual Meeting, Hilton Kansas City  
Airport, August 26-28, 2010**

Blane Christman reported the CRDTS annual meetings are informative and provide an opportunity to connect with representatives from other states. CRDTS will cover all expenses for Board members who attend the Annual Meeting. Gail Sumi is checking on the protocol for travel arrangements and hotel reservations, as CRDTS will reimburse all expenses. Ms. Sumi will email all Board members with this information.

Karen Jahimiak, DDS, has agreed to be the Wisconsin dentist representative on the CRDTS ERC. Dr. Barbeau asked the Department to contact Dr. Jahimiak and Cathy Martin (the Wisconsin dental hygiene representative) and ask them to supply a quarterly report to the Board on the ERC activities.

**ADEX REPORT**

There is no report on ADEX. This item should be deleted from future agendas.

The Board did discuss the acceptance of all the regional boards and whether or not it would be beneficial to become a member of these exams. Membership would mean a time commitment to these examinations and their ERC. Dr. Barbeau asked Gail Sumi to contact all the regional examinations to see whether or not they would be willing to supply quarterly reports on their

examinations to keep the DEB informed of any changes or developments, and to bring this information to the July meeting.

## **LEGISLATIVE REPORT**

The legislative session has recessed.

## **PRACTICE QUESTIONS**

### **Does participation in practical exercises during CE require licensure?**

In response to the inquiry from Mindy Marland, the participants in this hands-on exercise should be currently licensed in one or more states.

### **Would the DEB consider granting locum tenens licenses?**

No. Current law does not allow for locum tenens licenses and the Board has no plans to do so in the future.

### **Do Dental Hygiene endorsement applicants who are also applying for the Certification to Administer Local Anesthesia have to “re-do” the inferior alveolar injection?**

Dental Hygiene endorsement applicants who are also applying for the Certification to Administer Local Anesthesia must meet all the requirements. If the applicant has completed the required education and gave the initial inferior alveolar injection either as a part of the coursework or has a signed affidavit from an out-of-state dentist verifying the injection was observed within six weeks of completing the course, this is acceptable.

### **Practice Questions Received after preparation of the agenda**

Three additional practice questions were received. Lori Barbeau, Blane Christman and Linda Bohacek will review the questions and report back to the Board at a future meeting.

## **TRAVEL REQUESTS RECEIVED AFTER PREPARATION OF THE AGENDA**

None.

## **INFORMATIONAL ITEMS**

None.

## **PUBLIC COMMENTS**

None.

## **CLOSED SESSION**

**MOTION:** Carol Howard moved, seconded by John Grignon, to convene to Closed Session to deliberate on cases following hearing (Wis. Stat. § 19.85(1) (a)), to consider licensure or discipline (Wis. Stat. § 19.85(1) (b)), to consider individual histories or disciplinary data (Wis. Stat. § 19.85(1) (f)), and, to confer with legal counsel (Wis. Stat. § 19.85(1) (g)). Motion carried by roll call vote: Lori Barbeau-yes; Linda Bohacek-yes; Blane Christman-yes; John Grignon-yes; Carol Howard-yes; Adriana Jaramillo-yes; Sandra Linhart-yes; Kirk Ritchie-yes; Nancy Rublee-yes; Tim Size-yes; William Stempski-yes. Motion carried unanimously.

Open Session recessed at 12:02 p.m.

## **RECONVENE TO OPEN SESSION**

**MOTION:** Carol Howard moved, seconded by Kirk Ritchie, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 3:33 p.m.

## **VOTING ON ITEMS CONSIDERED OR DELIBERATED IN CLOSED SESSION**

**MOTION:** Blane Christman moved, seconded by Carol Howard, to reaffirm all motions made in closed session. Motion carried unanimously.

## **INTERVIEWS FOR FACULTY LICENSE**

### **HARSHIT AGGARWAL, DDS**

**MOTION:** Linda Bohacek moved, seconded by John Grignon, to grant a faculty license to Harshit Aggarwal, DDS, when all requirements are met. Motion carried unanimously.



**DAWEI LIU, DDS**

**MOTION:** Linda Bohacek moved, seconded by John Grignon, to grant a faculty license to Dawei Liu, DDS, when all requirements are met. Motion carried unanimously.

**JOSEPH VITOLO, DMD**

**MOTION:** Linda Bohacek moved, seconded by John Grignon, to grant a faculty license to Joseph Vitolo, DMD, when all requirements are met. Motion carried unanimously.

**REQUEST FROM B.G., DDS, FOR 2009 CONTINUING EDUCATION WAIVER-FOLLOW UP**

**MOTION:** Tim Size moved, seconded by Kirk Ritchie, to deny the request of B.G., DDS, for a waiver of the 2009 CE requirement, and to extend the time to complete all CE. Motion carried unanimously.

**ORDERS FIXING COSTS**

**MAURISA CORAN, RDH  
LS0901222DEN**

**MOTION:** Linda Bohacek moved, seconded by Carol Howard, to approve the Order Fixing Costs in the disciplinary proceedings against Maurisa Coran, RDH. Motion carried. Sandra Linhart, Kirk Ritchie and William Stempski were excused during deliberation and abstained from voting.

**WALTER M LUCAS, III, DDS  
LS0909242DEN**

**MOTION:** Linda Bohacek moved, seconded by Carol Howard, to approve the Order Fixing Costs in the disciplinary proceedings against Walter M. Lucas, III, DDS. Motion carried. John Grignon abstained.

**DELIBERATION OF PROPOSED STIPULATIONS**

**LIANNE CULVER, DDS**

**07 DEN 075**

**MOTION:** Adriana Jaramillo moved, seconded by Tim Size, to reject the Proposed Stipulation and return it to the Division of Enforcement with the recommendation that Lianne Culver, DDS, be required to take a CE course on nitrous oxide that should include nitrous oxide abuse. The CE course is to be completed within six (6) months from the date of the Order. A reprimand should be issued along with an Order for Costs. Motion carried. Carol Howard abstained.

**ANTHONY SANCHEZ, DDS**

**06 DEN 014**

**MOTION:** Adriana Jaramillo moved, seconded by John Grignon, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Anthony Sanchez, DDS. Motion carried unanimously.

**PROPOSED DECISION**

**JACK ELDER, DDS**

**05 DEN 020 AND 05 DEN 159**

**MOTION:** Lori Barbeau moved, seconded by Nancy Rublee, to reject the Proposed Decision in the disciplinary proceedings against Jack Elder, DDS, and to issue a variance that his license will be limited to no practice in the State of Wisconsin and his license cannot be renewed at any time. The Findings of Fact from the ALJ's Decision are adopted; there was significant knowledge of fraud and the respondent must pay costs within ninety (90) days from the date of the Order. Motion carried. Adriana Jaramillo and Tim Size opposed. Sandra Linhart was excused during deliberation and abstained from voting.

**STEVEN J JAGEMANN, DDS**  
**07 DEN 088**

**MOTION:** Linda Bohacek moved, seconded by Carol Howard, to reject the ALJ's Proposed Decision to postpone the hearing in the disciplinary proceedings against Steven J. Jagemann, DDS, and to issue a variance that the respondent's attorney should consider all possible options to determine the manner in which Dr. Jagemann will appear for the hearing. Motion carried unanimously.

**APPLICATION REVIEWS**

**JENNIFER AUSTIN**

**MOTION:** Linda Bohacek moved, seconded by Nancy Rublee, to accept the California dental hygiene exam in lieu of a regional exam and to issue a dental hygiene license to Jennifer Austin when all requirements are met. Motion carried unanimously.

**ANDY MANCINI, DMD, MBA**

**MOTION:** Tim Size moved, seconded by Carol Howard, to accept the CITA exam and to issue a dental license to Andy Mancini, DMD, MBA, when all requirements are met. Motion carried unanimously.

**JAIME PORTALATIN, DDS**

**MOTION:** Adriana Jaramillo moved, seconded by Sandra Linhart, to deny licensure to Jaime Portalatin, DDS, as he is a foreign-graduate dentist and has not completed a CODA approved residency. Motion carried unanimously.

**MICHAEL WEINBERG, DMD**

**MOTION:** Linda Bohacek moved, seconded by Nancy Rublee, to issue a dental license to Michael Weinberg, DMD, when all requirements are met. Motion carried unanimously.

**CASE CLOSINGS**

**09 DEN 117**

**MOTION:** Tim Size moved, seconded by Adriana Jaramillo, to close case **09 DEN 117** for compliance gained. Motion carried. Nancy Rublee abstained.

**06 DEN 102**

**MOTION:** Adriana Jaramillo moved, seconded by John Grignon, to close case **06 DEN 102** for prosecutorial discretion. Motion carried. Nancy Rublee abstained.

**07 DEN 078**

**MOTION:** Adriana Jaramillo moved, seconded by John Grignon, to close case **07 DEN 078** for no violation. Motion carried unanimously.

**08 DEN 066**

**MOTION:** Adriana Jaramillo moved, seconded by John Grignon, to close case **08 DEN 066** for no violation. Motion carried. Sandra Linhart abstained.

**09 DEN 120**

**MOTION:** Adriana Jaramillo moved, seconded by John Grignon, to close case **09 DEN 120** for no violation. Motion carried unanimously.

**08 DEN 018**

**MOTION:** Adriana Jaramillo moved, seconded by John Grignon, to close case **08 DEN 018** for no violation. Motion carried unanimously.

**06 DEN 043**

**MOTION:** Tim Size moved, seconded by John Grignon, to close case **06 DEN 043** for prosecutorial discretion. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** John Grignon moved, seconded by Adriana Jaramillo, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:45 p.m.

**THE NEXT MEETING IS JULY 7, 2010**